

(2) the erection, renewal, repair, or preservation of a monument, fence, building, or other structure in the perpetual care cemetery;

(3) planting or cultivating plants in or around the perpetual care cemetery; or

(4) taking special care of or embellishing a plot, section, or building in the perpetual care cemetery.

*(b) Except as provided by this subsection, the assets of a trust established under this section are not considered assets of the fund. If a gift in trust is specifically intended to serve the same general purpose as the fund, the trust may be merged with the fund.*

SECTION 8. Section 712.044(a), Health and Safety Code, is amended to read as follows:

(a) The commissioner may examine on a periodic basis as the commissioner reasonably considers necessary or appropriate to protect the interest of plot owners and efficiently administer and enforce this chapter:

(1) the books and records of a corporation relating to its fund, including deposits to or withdrawals from the fund, income of the fund, and uses and expenditures of *distributions from the fund* ~~[that income]~~;

(2) the books and records of a corporation relating to sales of undeveloped mausoleum spaces and any preconstruction trust established by the corporation as provided by Section 712.063, including deposits to or withdrawals from the preconstruction trust, income of the preconstruction trust, and uses and expenditures of principal and income of the preconstruction trust; and

(3) the consumer complaint files of a corporation relating to the fund, sales of undeveloped mausoleum spaces, a preconstruction trust, or to discharge of the corporation's perpetual care responsibilities, minutes of the corporation's board of directors, cemetery dedication statements and plat maps, and mausoleum and lawn crypt construction contracts and specifications.

SECTION 9. This Act takes effect September 1, 2017.

Passed by the House on April 20, 2017: Yeas 142, Nays 2, 2 present, not voting; passed by the Senate on May 24, 2017: Yeas 29, Nays 2.

Approved June 15, 2017.

Effective September 1, 2017.

## OPERATION OF CERTAIN OFF-HIGHWAY VEHICLES

### CHAPTER 1052

H.B. No. 1956

#### AN ACT

**relating to the operation of certain off-highway vehicles.**

*Be it enacted by the Legislature of the State of Texas:*

SECTION 1. The heading to Subchapter F, Chapter 551, Transportation Code, is amended to read as follows:

#### SUBCHAPTER F. GOLF CARTS ~~[AND UTILITY VEHICLES]~~

SECTION 2. Sections 551.404(a-1) and (b), Transportation Code, are amended to read as follows:

(a-1) In addition to the operation authorized by Section 551.403, the commissioners court of a county described by Subsection (a-2) may allow an operator to operate a golf cart ~~[or utility vehicle]~~ on all or part of a public highway that:

(1) is located in the unincorporated area of the county; and

(2) has a speed limit of not more than 35 miles per hour.

(b) A golf cart ~~[or utility vehicle]~~ operated under this section must have the following equipment:

- (1) headlamps;
- (2) taillamps;
- (3) reflectors;
- (4) parking brake; and
- (5) mirrors.

SECTION 3. Section 663.001(3), Transportation Code, is redesignated as Section 663.001(1-b), Transportation Code, and amended to read as follows:

(1-b) ~~[(3)]~~ "Off-highway ~~[Recreational off-highway]~~ vehicle" means:

(A) *an all-terrain vehicle or recreational off-highway vehicle, as those terms are defined ~~[has the meaning assigned]~~ by Section 502.001; or*

(B) *a utility vehicle.*

SECTION 4. Section 663.001, Transportation Code, is amended by adding Subdivision (4) to read as follows:

(4) "Utility vehicle" means a motor vehicle that is not a golf cart, as defined by Section 502.001, or lawn mower and is:

(A) *equipped with side-by-side seating for the use of the operator and a passenger;*

(B) *designed to propel itself with at least four tires in contact with the ground;*

(C) *designed by the manufacturer for off-highway use only; and*

(D) *designed by the manufacturer primarily for utility work and not for recreational purposes.*

SECTION 5. Section 663.002, Transportation Code, is amended to read as follows:

Sec. 663.002. NONAPPLICABILITY OF CERTAIN OTHER LAWS. (a) Except as provided by Sections 663.037 and 663.0371, Chapter 521 does not apply to the operation or ownership of an off-highway ~~[all-terrain]~~ vehicle registered for off-highway operation.

(b) Chapter 1001, Education Code ~~[332, Acts of the 60th Legislature, Regular Session, 1967 (Article 4413(29c), Vernon's Texas Civil Statutes)]~~, does not apply to instruction in the operation of an off-highway ~~[all-terrain]~~ vehicle provided under the operator education and certification program established by this chapter.

SECTION 6. The heading to Subchapter B, Chapter 663, Transportation Code, is amended to read as follows:

SUBCHAPTER B. OFF-HIGHWAY ~~[ALL-TERRAIN]~~ VEHICLE OPERATOR  
EDUCATION AND CERTIFICATION

SECTION 7. Section 663.011, Transportation Code, is amended to read as follows:

Sec. 663.011. DESIGNATED DIVISION OR STATE AGENCY. The governor shall designate a division of the governor's office or a state agency to establish and administer an off-highway ~~[all-terrain]~~ vehicle operator education and certification program.

SECTION 8. Section 663.012, Transportation Code, is amended to read as follows:

Sec. 663.012. PURPOSE OF PROGRAM. The purpose of the off-highway ~~[all-terrain]~~ vehicle operator education and certification program is to make available courses in basic training and safety skills relating to the operation of off-highway ~~[all-terrain]~~ vehicles and to issue safety certificates to operators who successfully complete the educational program requirements or pass a test established under the program.

SECTION 9. Section 663.013, Transportation Code, is amended to read as follows:

Sec. 663.013. OFF-HIGHWAY ~~[ALL-TERRAIN]~~ VEHICLE SAFETY COORDINATOR. (a) The designated division or state agency shall employ an off-highway ~~[all-terrain]~~ vehicle safety coordinator.

(b) The coordinator shall supervise the *off-highway* ~~[all-terrain]~~ vehicle operator education and certification program and shall determine:

- (1) locations at which courses will be offered;
- (2) fees for the courses;
- (3) qualifications of instructors;
- (4) course curriculum; and
- (5) standards for operator safety certification.

(c) In establishing standards for instructors, curriculum, and operator certification, the coordinator shall consult and be guided by standards established by recognized *off-highway* ~~[all-terrain]~~ vehicle safety organizations.

SECTION 10. Section 663.014, Transportation Code, is amended to read as follows:

Sec. 663.014. **CONTRACTS.** To administer the education program and certify *off-highway* ~~[all-terrain]~~ vehicle operators, the designated division or state agency may contract with nonprofit safety organizations, nonprofit educational organizations, or agencies of local governments.

SECTION 11. Section 663.015, Transportation Code, is amended to read as follows:

Sec. 663.015. **TEACHING AND TESTING METHODS.** (a) If the *off-highway* ~~[all-terrain]~~ vehicle safety coordinator determines that vehicle operation is not feasible in a program component or at a particular program location, the operator education and certification program for persons who are at least 14 years of age may use teaching or testing methods that do not involve the actual operation of an *off-highway* ~~[all-terrain]~~ vehicle.

(b) An operator safety certificate may not be issued to a person younger than 14 years of age unless the person has successfully completed a training course that involves the actual operation of an *off-highway* ~~[all-terrain]~~ vehicle.

SECTION 12. Section 663.016, Transportation Code, is amended to read as follows:

Sec. 663.016. **FEE FOR COURSE.** A person may charge, for a course under the *off-highway* ~~[all-terrain]~~ vehicle operator education and certification program, a fee that is reasonably related to the costs of administering the course.

SECTION 13. The heading to Subchapter C, Chapter 663, Transportation Code, is amended to read as follows:

**SUBCHAPTER C. OPERATION OF OFF-HIGHWAY ~~[ALL-TERRAIN]~~ VEHICLES**

SECTION 14. Section 663.031, Transportation Code, is amended to read as follows:

Sec. 663.031. **SAFETY CERTIFICATE REQUIRED.** (a) A person may not operate an *off-highway* ~~[all-terrain]~~ vehicle on public property or a beach unless the person:

- (1) holds a safety certificate issued under this chapter or under the authority of another state;
- (2) is taking a safety training course under the direct supervision of a certified *off-highway* ~~[all-terrain]~~ vehicle safety instructor; or
- (3) is under the direct supervision of an adult who holds a safety certificate issued under this chapter or under the authority of another state.

(b) A person to whom a safety certificate required by Subsection (a) has been issued shall:

- (1) carry the certificate when the person operates an *off-highway* ~~[all-terrain]~~ vehicle on public property or a beach; and
- (2) display the certificate at the request of any law enforcement officer.

SECTION 15. Section 663.032, Transportation Code, is amended to read as follows:

Sec. 663.032. **OPERATION BY PERSON YOUNGER THAN 14.** A person younger than 14 years of age who is operating an *off-highway* ~~[all-terrain]~~ vehicle must be accompanied by and be under the direct supervision of:

- (1) the person's parent or guardian; or
- (2) an adult who is authorized by the person's parent or guardian.

SECTION 16. Section 663.033, Transportation Code, is amended to read as follows:

Sec. 663.033. **REQUIRED EQUIPMENT; DISPLAY OF LIGHTS.** (a) An *off-highway* ~~[all-terrain]~~ vehicle that is operated on public property or a beach must be equipped with:

- (1) a brake system maintained in good operating condition;
- (2) an adequate muffler system in good working condition; and
- (3) a United States Forest Service qualified spark arrester.

(b) An *off-highway* ~~[all-terrain]~~ vehicle that is operated on public property or a beach must display a lighted headlight and taillight:

- (1) during the period from one-half hour after sunset to one-half hour before sunrise; and
- (2) at any time when visibility is reduced because of insufficient light or atmospheric conditions.

(c) A person may not operate an *off-highway* ~~[all-terrain]~~ vehicle on public property or a beach if:

- (1) the vehicle has an exhaust system that has been modified with a cutout, bypass, or similar device; or
- (2) the spark arrester has been removed or modified, unless the vehicle is being operated in a closed-course competition event.

(d) The coordinator may exempt *off-highway* ~~[all-terrain]~~ vehicles that are participating in certain competitive events from the requirements of this section.

SECTION 17. Section 663.034, Transportation Code, is amended to read as follows:

Sec. 663.034. **SAFETY APPAREL REQUIRED.** A person may not operate, ride, or be carried on an *off-highway* ~~[all-terrain]~~ vehicle on public property or a beach unless the person wears:

- (1) a safety helmet that complies with United States Department of Transportation standards; and
- (2) eye protection.

SECTION 18. Section 663.035, Transportation Code, is amended to read as follows:

Sec. 663.035. **RECKLESS OR CARELESS OPERATION PROHIBITED.** A person may not operate an *off-highway* ~~[all-terrain]~~ vehicle on public property or a beach in a careless or reckless manner that endangers, injures, or damages any person or property.

SECTION 19. Section 663.036, Transportation Code, is amended to read as follows:

Sec. 663.036. **CARRYING PASSENGERS.** A person may not carry a passenger on an *off-highway* ~~[all-terrain]~~ vehicle operated on public property or a beach unless the ~~[all-terrain]~~ vehicle is designed by the manufacturer to transport a passenger.

SECTION 20. Sections 663.037(a), (b), (c), (d), (f), and (g), Transportation Code, are amended to read as follows:

(a) A person may not operate an *off-highway* ~~[all-terrain]~~ vehicle on a public street, road, or highway except as provided by this section.

(b) The operator of an *off-highway* ~~[all-terrain]~~ vehicle may drive the vehicle across a public street, road, or highway that is not an interstate or limited-access highway, if the operator:

- (1) brings the vehicle to a complete stop before crossing the shoulder or main traveled way of the roadway;
- (2) yields the right-of-way to oncoming traffic that is an immediate hazard; and
- (3) makes the crossing:

- (A) at an angle of approximately 90 degrees to the roadway;
  - (B) at a place where no obstruction prevents a quick and safe crossing; and
  - (C) with the vehicle's headlights and taillights lighted.
- (c) The operator of an *off-highway* [all-terrain] vehicle may drive the vehicle across a divided highway other than an interstate or limited access highway only at an intersection of the highway with another public street, road, or highway.
- (d) The operator of an *off-highway* [all-terrain] vehicle may drive the vehicle on a public street, road, or highway that is not an interstate or limited-access highway if:
- (1) the transportation is in connection with:
    - (A) the production, cultivation, care, harvesting, preserving, drying, processing, canning, storing, handling, shipping, marketing, selling, or use of agricultural products, as defined by Section 52.002, Agriculture Code; or
    - (B) utility work performed by a utility;
  - (2) the operator attaches to the back of the vehicle on top of an eight-foot-long pole a triangular orange flag;
  - (3) the vehicle's headlights and taillights are illuminated;
  - (4) the operator holds a driver's license, as defined by Section 521.001;
  - (5) the operation of the [all-terrain] vehicle occurs in the daytime; and
  - (6) the operation of the [all-terrain] vehicle does not exceed a distance of 25 miles from the point of origin to the destination.
- (f) Except as provided by Subsection (g), this section does not apply to the operation of an *off-highway* [all-terrain] vehicle that is owned by the state, a county, or a municipality by a person who is an authorized operator of the vehicle.
- (g) A peace officer may operate an *off-highway* [all-terrain] vehicle on a public street, road, or highway that is not an interstate or limited-access highway only if:
- (1) the transportation is in connection with the performance of the officer's official duty;
  - (2) the officer attaches to the back of the vehicle on top of an eight-foot-long pole a triangular orange flag;
  - (3) the vehicle's headlights and taillights are illuminated;
  - (4) the officer holds a driver's license, as defined by Section 521.001; and
  - (5) the operation of the [all-terrain] vehicle does not exceed a distance of 25 miles from the point of origin to the destination.
- SECTION 21. Section 663.0371, Transportation Code, is amended to read as follows:
- Sec. 663.0371. OPERATION ON BEACH. (a) A person may not operate an *off-highway* [all-terrain] vehicle on a beach except as provided by this section.
- (b) A person operating an *off-highway* [all-terrain] vehicle on a beach must hold and have in the person's possession a driver's license issued under Chapter 521 or a commercial driver's license issued under Chapter 522.
- (c) Except as provided by Chapters 61 and 63, Natural Resources Code, an operator of an *off-highway* [all-terrain] vehicle may drive the vehicle on a beach that is open to motor vehicle traffic.
- (d) Except as provided by Chapters 61 and 63, Natural Resources Code, a person who is authorized to operate an *off-highway* [all-terrain] vehicle that is owned by the state, a county, or a municipality may drive the [all-terrain] vehicle on any beach if the vehicle is registered under Section 502.140(b).
- (e) The Texas Department of Transportation or a county or municipality may prohibit the operation of an *off-highway* [all-terrain] vehicle on a beach if the department or the governing body of the county or municipality determines that the prohibition is necessary in the interest of safety.

SECTION 22. The following provisions of the Transportation Code are repealed:

- (1) Section 551.401(2);
- (2) Section 663.001(1), as amended by Chapters 131 (S.B. 487) and 895 (H.B. 1044), Acts of the 83rd Legislature, Regular Session, 2013; and
- (3) Section 663.003.

SECTION 23. This Act takes effect September 1, 2017.

Passed by the House on April 27, 2017: Yeas 141, Nays 3, 3 present, not voting; passed by the Senate on May 24, 2017: Yeas 31, Nays 0.

Approved June 15, 2017.

Effective September 1, 2017.

---

## PHYSICIAN ASSISTANT SERVICES PERFORMED AS VOLUNTEER CARE

### CHAPTER 1053

H.B. No. 1978

#### AN ACT

**relating to physician assistant services performed as volunteer care.**

*Be it enacted by the Legislature of the State of Texas:*

SECTION 1. Section 204.2045, Occupations Code, is amended to read as follows:

Sec. 204.2045. **VOLUNTEER CARE AND SERVICES PERFORMED DURING DISASTER.** (a) The supervision and delegation requirements of this chapter and Subtitle B do not apply to medical tasks performed by a physician assistant:

(1) during a disaster under the state emergency management plan adopted under Section 418.042, Government Code;

(2) during [~~or~~] a disaster declared by the governor or United States government; or

(3) as a volunteer for a charitable organization or at a public or private event, including a religious event, sporting event, community event, or health fair.

(a-1) This section does not apply to medical tasks performed by a physician assistant for compensation or other remuneration.

(b) A physician assistant performing medical tasks under this section:

(1) is entitled to the immunity from liability provided by Section 74.151, Civil Practice and Remedies Code; and

(2) is acting within the scope of the physician assistant's license for purposes of immunity under Section 84.004(c), Civil Practice and Remedies Code.

(c) A physician assistant may perform tasks described by this section:

(1) under the supervision of any physician who is also performing volunteer work in the disaster, for the charitable organization, or at the public or private event; or

(2) without the supervision of a physician, if a physician is not available to provide supervision.

(d) A physician assistant employed by the United States government or licensed in another state may perform medical tasks in this state in circumstances described by Subsection (a)(1) or (2) [~~Subsection (a)~~] without holding a license in this state.

SECTION 2. Section 204.2045, Occupations Code, as amended by this Act, applies only to services performed on or after the effective date of this Act. Services performed before that date are governed by the law in effect on the date the services were performed, and the former law is continued in effect for that purpose.